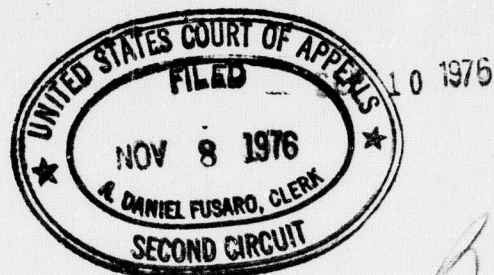


***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLANT**

76-6113



UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

X_x

NATHAN GOLD,
Plaintiff,
-against-

X

CIVIL APPEAL
DOCKET No. 76-6113

SECRETARY OF HEALTH, EDUCATION
AND WELFARE,

:

BRIEF

Defendant.

:

X

SIRS:

Appellant Pro-se, Nathan Gold, respectfully alleges;
When I arrived in the United States in April 1955, I have earned very little to be mentioned because of the Union's intervention since I was not unionized and those in the Union received preference. I only had work in season-only a few months, at clothing and textiles, ungainful operating section work, I had to travel from my previous home-190 Brod way New York, to d.e Kalb ave. Brooklyn N.Y. and other distand places of work wherever it was advertised.

In June 1955, I have been engaged by a newly-established small firm Sommera Schechter of plastic custom-made slip covers startig with very meager wages and working my way up. In 1956 from June to Dozember, I made \$920. In 1957, my earnings were \$ 3,054.65; in 1958- \$ 3,120.78; in 1959, \$ 3,045.47.

In 1960, the 4 gage, 75 pound plastic was replaced and gradually came to the high of 10(ten) gage, over 200 pounds rolls. This huge and very heavy size rolls have become too strenuous for me to roll and adjust on the table, and cutting these oversized and overweight rolls have weakened my arm, knee, & back. The potent chemicals of these heavy plastic rolls have affected my eyes and balance. I had to wear a truss while working. I become ill and had to remain at the Maimonides hospital from 6/10 to 6/19 1960 for treatments suffered at the overbundened work. On my returning to my work, some weeks later after my leaving the hospital, I have not been able to prod_uce the work demanded of me. I have been laid off.

In 1960 my earnings were only \$ 1.267,72 from that time hence, I have been to several eyes clinics, hospytals, doctors, My personal doctor advised me not to engage in any type of work due to my present poor health.

I applied for Disability Benefits. In Soc. Security office I was told that in order to receive Disability Benefits one has to lose at his work a limb- a hand, a foot etc. During winter time I was obliged to remain in my home. Not to become a burden to society I have looked in the summer months for any type of work available and feasible.

In 1963, I have gainful work, under circumstances with an acquaintance in my neighborhood- Hirsh's knishes in summer season serving knishes, coffe etc.. In August of 1963, I have scalded my-self, due to my hand trembling with an urn of boiling coffe, disabling me for about ten weeks. The first aid was given me at Coney-Island hospital Emergency Ward. Then I was treated by Dr. Jacob Glenna. My compensation was \$ 192, then I have been discharged.

I again applied by Soc. Sec. office for Disability Benefits, I was kept until closing time which was harmful for my condition and I was refused to reapply for Disability Benefits, or to speak with the head of the Soc. Sec. office Mr. Bloomberg.

Come next summer, I again tried to get the same work as the previous year-serving knishes, coffee etc. after working at Diamonds knishes for a few days I have been discharged when the proprietor noticed my unsteady hands while serving. At another knishes place, the same experience happened and I was discharged the same day and paid seven dollars.

While at the knishes place I ate francs, hamburgers, during lunch working time that was harmful to me and has caused my stomach disorder up to the present time.

Wherever I turned to for advise how to recognize my disability rights I have been promised but all have done nothing in my behalf. They advised me to go to the Legal Aid Society. The Legal Aid Soc. had said that they did not want to be involved in this matter, they sent me to the Lawyer Referral service. I paid them their fee. They have not advised me that I could appeal and now to appeal the denial of my benefits right by the Soc. Sec. office.

I stopped for a time going to the Soc. Sec. office, because of the abuse and humiliation that was detrimental to my health. Later on I learned from an authoritative source and from a brochure on the elderly and disabled that I definitely was entitled to disability benefits from 1960 at the very heavy plastics works injuries.

I came in February 1966 to the Soc. Sec. office. My disability benefit application has been accepted. I have authorized the Soc. Sec. office to obtain my case history records of the hospital and some doctors, eye clinics, I asked that my disability be considered from 1960, after leaving the Maimonides hospital and dismissal from working because of my hand trembling and disability to work.

After many months of silence I was promised by the Soc. Sec. office that after my visiting their bone fide Dr. B. Bataglio, that this matter will have been determined. On April 1966, at night, I came to Dr. B. Bataglio; he scrutinized my medical papers, I wanted to describe the type and condition of my pains, he interrupted me and told me to go to the basement for an XRay. My back and stomach pained unberably due to my being exposed to the cold atmosphere all naked for a long time. I knocked up to the doctor, he told me to come upstairs but did not Xray me. For my choking in my throat-he forcibly unprofessionally pullet out my tongue and scratched it with his finger nails causing me exerucia-ting pain and refused to XRay me on my request.

The following morning, 10 oclock on a rainy day, Dr. Bataglio came on a pretext to visit me. I was in bed. I complained about my bruised tongue, he told me to immediately go to Kings County hospital (it may be cancer) There a biopsy was made with very strong pain. After eight days, the chief consultant with his staff had examined all biopsy patients ~~except~~ except me, having been told by my attending Dr. that it was necessary for me to have another biopsy for more tissue, which I would never have been able to endure such cruel procedure. I left the hospital and went to a throat specialist Dr. Richard J. Ballucci New York. He said it positive-ly was not necessary to have any biopsy. he prescribed a medicine for my throat.

I did not hear a long time anything from the Soc. Sec. office; I went to them, and just happened to have met the head of the Soc. Sec. office Mr. Blomberg, I told him what I have suffered from the cruel conduct of the Dr. Battaglio; and the unnecessary performed biopsy in the hospital, I asked Mr. Blomberg to send me to another doctor to X-ray me in order to confirm whether I was capable to work, my demand was ignored, he told me they did not receive the report by Dr. Battaglio yet.

Several months later I was notified by the Soc. Sec. office to visit a Neurologist Dr. B. Kent. Judging from the abusive torturous ordeal by Dr. Battaglio, and the biopsy Dr. I well knew that another such treatment would mean the total ruination of me I refused to participate in my own destruction also my private doctor J. Gleen told me not to go to the Neurologist, when he heard the inhuman treatment I had gone thru by Dr. Battaglio, and the biopsy Dr. in Kings County hospital. Later on I received a letter that my application is denied. My disability claim has never been on the basis of any type of nerve condition. My disability benefit claim was based on my having received back pain and hand trembling and weakening of my eyesight etc.. The breakdown of my normal health, because of the excessive overweight and overexposed plastic rolls that left me in the position that I am permanently disabled

that has hindered my continuing to work. The dragging out for years my disability benefit claim by Soc. Sec. officee was motivated to not be able to get the records and Xrays from the hospitals, eye clinics etc. that I began visiting for my pains suffered at the very heavy plastics works ending 1960. Such records are not required to be given after five-six years.

By chance I do have a part of the evidence and paid-up receipts showing that I have been at several hospitals, eye clinics, for the treating of my complained pains, while still working in bad health by force resulting from the dragging my disability rights by the Soc. Sec. office.

A long time later I have been informed that I had the right to appeal the denial of 1960, because of my rejecting to go to their recommended Neurologist Dr. Kent. The reason why I have refused to see the Dr. Kent is as a result of the abusive torturous ordeal by Dr. Battaglio and the unnecessary biopsy; I have been advised by my then private Dr. J. Glenn, not to see the Neurologist.

I informed the Soc. Sec. office of my right to appeal and demanded to consider my application and to send me to another bonefide doctor to have me Xrayed and confirm my working status since Dr. Battaglio has refused to have me Xrayed me for which purpose I have been sent to him by the Soc. Sec. office.

The Soc. Sec. office has tricked me that it would be in my favor to file a new application with the addage that after the granting of my new disability benefits application the benefit payments would start from the time of the first application.

The Transcript is utter distorted the language in a jeering comical manner, Just to mention a few: Page 1, line 21, The Examiner says that I am entitled to a representative, since you are appearing alone, I assume you do not care to have such representative. This is absolutely not true. I was with my wife and asked to admit her at the hearing, because I could not see well enough to read the reports by Dr. Battaglio, Coney Island hospital, but my wife has been refused to be at the hearing. I was promised at the begining of the hearing to give me a copy of the reports by Dr. Battaglio, Coney-Island hospital etc. but at the end of the hearing when I requested the promised reports, it was ignored as can be seen on Exhibit list page 66, line 2 till end of this page.

The examiner says to me " I believe it would prejudice you and cause more trouble than its worth." The Examiner tried to leave the impression that I received pension from West Germany because of the illnesses that I suffered till now as a result of the captivity in Russian in 1940. My answer was that I have lived in Saarbrücken (W. GERMANY) from 1950 till 1955, when Hitler came to power he took Saarbrücken in 1955, and I have been expelled by the Germans to Poland, and I had to leave everything behind me, for this reason I received compensation pension from W. Germany, as can be seen on Exhibit list page 49 line 23 and 24.

The examiner asked me " Q. Where were you working at that time?
A. By Southern Shister (phonetic). My answer was by Sommer & Schechter where I was working from 1955 till 1960, this can be seen on Exhibit list page 34, line, 6 & 7.

My most important answers were not mentioned in Minute Book, but was cut up in the middle with distortions that is impossible to be understood, on which the decision for closing my disability case was based.

In Memorandum and order of February 25 1976 Judge Bramwell states on page 5, line 8, the record shows that the claimant sought medical attention from different physicians and at different clinics and hospitals from 1956 to 1969.

Upon admission to University Hospital on January 19, 1965, The medical record was negative except for a marked nasal septum deviation. In May, 1966, Mr. Gold was treated at Kings County hospital, the medical record does not mention arthritis as one of

my medical problems. Also was stated Mr. Gold was treated at Coney Island Hospital at irregular intervals from June 1, 1956 to February 19, 1969 et c. The Judge further states; that the claimant sought medical attention from different physicians and at different clinics and hospitals from 1956 to 1969. This is groundless. Hospitals don't reveal records after six year lapse at most. At the University Hospital I was operated on by my private doctor Bernstein for nasal septum deviation, I stayed there only 3 days. Also at Kings County Hospital I was tricked into biopsy test by the Soc. Sec. bona-fide doctor Battaglio, that it may be cancer and the hospital followed his footsteps, performing the unnecessary biopsy which caused me excruciating pain, which had no relation whatsoever to the arthritis report mentioned in the Memorandum.

From the Coney Island Hospital record from June 1 1956, to February 1969 that the Judge mentions is groundless from 1956 to 1960 I have been working without interruption by heavy plastics which shows that I have then been in good health and my earnings were over \$ three thousand dollars in year. Not until 1960 when I become ill by the heavy plastics work and had to remain at the Maimonides hospital for ten days for treatments suffered at the overburdened work, from that time hence, I have been to several eyes clinics, hospitals, doctors, the Judge asserts that Dr. Grodzikier is the only doctor who determined that I was unable to work, also Dr. Jacob Glenn has testified in his report that he has treated me for arthritis and other pains etc.

The decision of the Judge Bramwell is based primarily on the report of Dr. Battaglio who refused to XRay me for which purpose I was sent by the Soc. Sec. office. His main motif was to abuse and brutalize me. On Dr. Battaglio's fictitious report, two consultant doctors, Dr. Henry Murdock and Dr. Anatol Oleynick who have never seen me have supported Dr. Battaglio's opinion that they found no evidence of disability requirement. All along I have been ignored by the Soc. Sec. office on my request for being XRayed by another bona-fide doctor.

The concluding argument that the Examiner found that even if Mr. Gold had established a disability he could obtain a job as kash-ruth supervisor as trained. I had never hinted that I was a trained supervisor in kosher food inasmuch as such training is not required any one who know how to read and pray in Hebrew is eligible to be such "supervisor". I have been engaged as a part-time temporary Mashgach was brought and returned with a car.

But then I had to come to work by subway, it took two hours to come to work and fifteen minutes walking to the job, and return home after midnight. After the first day at the Regency Caters I become sick on arriving there and was discharged.

The hearing examiner also find that Mr. Gold was able to teach Hebrew to children. I have never studied or been trained in the teaching of Hebrew as mentioned by the Examiner. The teacher for the Bar-Mitzvahs received pay from each student. The Hebrew Alliance has asked for volunteers to show to put on the Tfillin for religious services each Sunday to poor children. I also volunteered their service before I fell sick.

In the Court Transcript page 37 line 17, Q. Eventually, you did see a psychiatrist in the hospital. Isn't that right? I didn't ask the hospital to see a psychiatrist, but I had eye trouble, in the evening I was in the emergency ward in Coney-Island hospital to see an eye doctor. I was told first I must see the screening Dept. doctor. I told this doctor that I couldn't sleep because my eyes were burning and also complained about my arthritis back pains. I asked to be examined by an eye doctor, but the doctor tricked me to go immediately nextdoor to Dr. Hecht (psychiatrist). He did not listen to my complaint; he looked into the first page of an outlined record and said arrogantly, "you look good", he gave me an unregistered medicine. After taking the first pill I had convulsions. My private doctor urged me to discard it.

In the Court Transcript page 37, line 17, Q. Eventually, you did see a psychiatrist in the hospital, isn't that right: page 38, top Q. Why would the Coney Island Hospital be against you?

The Coney Island Hospital was involved in a conspiracy with my rich landlord who was immunized, against all sorts of crimes, even gauging welfare tenants, issuing false leases, etc. The landlord filed a petition for eviction against me. A trial-by jury has ruled in my favor. The following year with several fabrications, hearings with a self-styled Building Inspector with a record and other pending claims, false accusations from the Racketeering office and the Social Security office that I collect unauthorized Unemployment checks and other accusations were pending in the Criminal Court.

I was granted a jury trial. The proceedings have been numerous times postponed until the hearing came up before Judge Bayefsky, who manuevered it into a hold-over which was in favor for the landlady. I appealed to the Higher Court the unlawful hold-over.

I was attacked in my hallway by landlady and her parents. My nose was broken in the attack. The Pr. 60 police sent me by ambulance to the Coney Island Hospital, but the police refused to make a report of the attack. In the hospital emergency WARD I was not attended, later the landlady with her father came to the emergency

Ward he was immediately examined by the attending doctor and put in the admitting book that he had a fight. Then I have been XRayd only on my nose and a false report about the nose was made negative. In a bleeding condition I was dismissed. The Kings County hospital has diagnosed that my nose was broken, I was sent by my lawyer Itzkowitz to a nose specialist Dr. David Bernstein; the operation was ~~operation~~ improperly performed by Dr. B. at the high cost University Hospital, but I had to be operated on my nose again in his private office.

I wanted to take out summonses in the Criminal Court, Brooklyn, N.Y. against the trio-attackers, a note on the Clerk's desk specified not to give any summonses to the Gold's and to be sent to the Judge, Part 7. The Judge refused to issue summonses against the trio-attackers. The false report by the Coney Island Hospital was in favor of the landlady and the conspirators. Close to the decision by the Higher Court about the illegal hold over, we have been threatened by the landlady and parents and not admitted in our apartment and were warned that if we came tonight in our apartment we would land in the funeral home. The police chief Murphy's office promised he will send police to protect us to enter in our apartment, but never did.

We went to sleep in the Manhattan Beach hotel that night. The following morning we learned from our neighbors that the Marshal and police have taken our household directly to the Incubance House there we saw that we literally have been robbed of our best possessions and the rest household was in a broken useless condition.

We retained Julius A. Itzkowitz to represent us in the assault & slander cases. A retainer of a \$1,000,--has been paid in advance. The eviction case he promised to give to his expert eviction lawyer. When Mr. Itzkowitz asked us to sign the Bill Of Particulars we called his attention about the altered dates and time of the main two attacks, he said: It was not important what you say here but what you will say in Court." Shortly before the expiration of the statute of limitation of the eviction case, Mr. Itzkowitz returned to us the papers observing that his lawyer did not want to handle this case.

We engaged another lawyer, Helen M. Clark, to handle the eviction case for a retainer of \$750,-- paid in advance. She persuaded us to also give her the assault & slander case at a retainer of \$1000,--(One thousand) Mrs. Clark promised us to revamp the procedure and claim Mr. Itzkowitz for a "good part" of the retainer and also claim his doctor, Dr. Bernstein, for malpractice, etc, etc. She turned out to be more conniving and beguiling, working openly

against us and for the favor of the defendants. After ten months she sent us copies of false agreements which we never would have signed as such. She forged my signature in the agreements.

The landlady and the Marshal were in hiding. I discovered their new addresses and asked Mrs. Clark to send me with the summons server and point out the landlady, when she comes from work. But Mrs. Clark sent the server alone. He placed the summons in the mail box. The defendant's lawyer claimed improper summonsing. I turned to the Bar Association, to the Human Rights, etc. for assistance. All have promised intervention and help but none ever did anything.

We claimed Mrs. Clark for the refund of the retainers of \$ 1,750-00

On several hearings Mrs. Clark sent her proxy asking adjournments, before the final hearing the judge told the proxy that Mrs. Clark had to appear in person at the final hearing. Neither Mrs. Clark nor her proxy appeared in the Court at the final hearing. I was sent from one Judge to another for an Inquest, until the hearing has come up before Judge Hilda Schwartz. She has sworn us in and scrutinized our record and all pertinent material of our cases. Justice Hilda Schwartz afforded us a Judgment in the eviction case \$750. and in the assault and slander case the \$1,000 retainer. The following day when we asked the Court Clerk for the judgments, he said that Mrs. Clark was here in the morning and the judgment was vacated.

We appealed the vacated decision to the Court of Appeals in Albany, and it was denied without any explanation. I received a letter from the then Chief Judge Stanley Fuld that the "original report of decision" is confidential and not available to the public.

The Jewish Community Council of Greater Brighton sent me to the Legal Aid. Their lawyer, Marguerite McDowel was to represent me in the Eastern District Court of New York. She scrutinized all pertinent material in my favor-- hospitals, eye clinics, etc. which she returned to me, observing that she will take them when she will file the brief. In her brief Mrs. McDowel makes no mention about the statement of my firm Sommer & Schechter that they laid me off when I returned home from the hospital, unable to work. When I protested her failing to include my firm's statement, she set a time to appear in Court, on June 20, 1978, Court Room 9, at 10:A.M. and to bring the evidence with me.

I was at the Court at 9:A.M. and Mrs. McDowel was not there. My name was first listed on the Tablet; my case was not called. The Chief Clerk told me that Mrs. McDowel and the Social Security lawyer were in Judge's chamber before the trial. The case was later dismissed.

This rather lengthy detailed account hereinset out, was meant to enlighten the Court that the foregoing chain of events that involve all the highest-up was with one specific aim to bring about my complete ruination in every which way possible.

I beg the Highest Court of Appeal that my pension be considered from the year 1960 of the Plastic accident when my earnings were approximately a hundred(\$100,--) dollars per week.

Respectfully yours

Nathan Gold

Nathan Gold

Brooklyn, September 9, 1976

Sommer and Schechter

MANUFACTURERS OF CUSTOM MADE PLASTIC SLIP COVERS

564 WALTON AVENUE
BRONX, N.Y.
MO 5-9070

18 WALCOTT ROAD
LEVITTOWN, L. I.
FI 7-6844 PE 5-0393


NEW JERSEY
MI 3-3535

2305 SURF AVENUE
BROOKLYN 24, N.Y.
ES 3-7018
4571

August 8, 1965

To Whom It May Concern:

This is to verify that Nathan Gold was in our employ from June 1956 to December 1960. He worked as a plastic slip cover cutter. His services were satisfactory and his attendance record good. He did all work required of him and always appeared in good health. His work called for lifting and adjusting heavy 75 pound rolls of plastic on metal racks. He accomplished all his duties without any difficulty. We were forced to lay him off due to a change in our cutting system.


SOMMER & SCHECHTER
by Seymour Schechter, Pres.

LAMP SHADE COVERS

● HASOCK COVERS

● DRAPE BAGS

● CORNICE COVERS

BEST COPY AVAILABLE

BEST COPY AVAILABLE

MEMO STATEMENT of Your Account	
PATIENT'S NAME: <i>Walter Hall</i>	
DATE	
<i>2/28/61</i>	
BALANCE	

THANK YOU FOR A PROMPT REMITTANCE

We received a letter from Blue Cross
and they will not pay bill, therefore you
are responsible.

MEMO STATEMENT of Your Account		
PATIENT'S NAME: <u>Nathan Gold</u>		No. <u>203426</u>
DATE		
5/31/60	X-Ray	7 ⁰⁰
5/31	Eye clinic	2 ⁵⁰
6/21	Drugs	2 ⁰⁰
6/25	medico clinic	2 ⁰⁰
BALANCE DUE		\$ 12 ⁵⁰

16/251 medicare clinic
"Blue Cross and/or Blue Shield
Does not cover Out-Patient Care."

~~NEINKEN OUT - FRANK VAN DER~~

from

MARGARET H. McDOWELL

ADDRESS _____

CLINIC	CLINIC	CLINIC	CLINIC
<i>Alameda</i>			
<i>Clinic</i>			
<i>San Joaquin</i>			
	<i>Clinic</i>	<i>Clinic</i>	<i>Clinic</i>
	<i>San Joaquin</i>	<i>San Joaquin</i>	<i>San Joaquin</i>

O.P.D. NO. *405-49*

PENALTY FOR FALSE REPRESENTATION
Section 471--Social Welfare Law

"Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the provisions of this act, shall be guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not less than ten dollars, and not more than two hundred and fifty dollars."
(Imprisonment until fine be paid may be imposed.)

12-X-62

KINGS COUNTY Pro. Sec. 718.
The City of New York—Department of Hospitals
HOSPITAL OUT-PATIENT DEPARTMENT
REGISTRATION AND APPOINTMENT CARD

S.K. 1704-360M-701021 (56) 142

U. S. Dist. Court
225 Graham PLAZA E.
Biloxi

10 A.M.

ease return to Clinje at

A.M.
P.M.

Wed. Aug 27, 1975
Refraction

Present this slip at the Cashier's desk on the day and time marked above.

FOR MINOR OPERATIONS:

Patients under 21 years of age must be accompanied by a parent or guardian.

NEW YORK EYE & EAR INFIRMARY

BY KNISHES, ETC.

Name Gold
 No. _____ Gross Earnings 10.20
 Days _____ F.O.A.B. 35
 Federal

Name Gold
 No. _____ Gross Earnings 30.00
 Days _____ Soc. Sec. Tax 67
 Federal 15

Name N. Gold
 No. _____ Gross Earnings 19.20
 Days _____ F.O.A.B. 70
 Hours _____ Federal Withhold T.

Name Gold 9/9/13
 No. _____ Gross Earnings 6.00

Name N. Gold
 No. _____ Gross Earnings 9.00
 Days _____ F.O.A.B. 33
 Federal

Name N. Gold
 No. _____ Gross Earnings 3.00
 Days _____ F. O. A. B. _____
 Hours 2 1/2 Federal Withhold. Tax _____
 N. Y. State Withhold. Tax _____
 N. Y. Dis. Fund _____
 Other _____
3.00

870-8-68

Safe Deposit
 Boxes Available

Name Nathan Gold
 No. _____ Gross Earnings 163.22
 Days _____ Soc. Sec. Tax 4.90
 Hours _____ N. Y. Dis. Ben. 30
 Tax Withheld 20.30
 Other State 1.70
 Net 136.02

Name Gold
 No. _____ Gross Earnings 80.00

Name Gold
 No. _____ Gross Earnings 90.00

Name Nathan
 No. _____ Gross Earnings 91.00

Name Gold
 No. _____ Gross Earnings 97.50

Name Nathan
 No. _____ Gross Earnings 93.00

Name Gold
 No. _____ Gross Earnings 150.00
 Days _____ Soc. Sec. Tax 3.14
 Hours _____ N. Y. Dis. Ben. 60
 Tax Withheld 17.80
 Other State 1.80
 Net 126.06

LOANS!
 \$60 to \$15,000

F.G. ADAMS CO., N.Y.
48022

NEW YORK EYE AND EAR INFIRMARY

New and Used
OVEMENT

No. 63773
MEDICARE

CLINIC NO. 1

Is Prompt
e Low

PATIENT'S NAME:

DATE AND SERVICE

CHARGE

CREDITS

BALANCE

DATE & TIME OF ARRIVAL

HOSPITAL

DATE & TIME OF

EMERGENCY RECORD

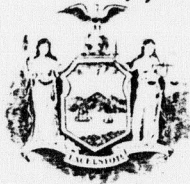
ER NO 1117798

CHART NO.

PATIENT'S LAST NAME		FIRST	MIDDLE	BIRTHDATE	AGE	SEX	RACE	REL.	MARITAL STATUS	
Nathaniel		Nathaniel		1-18-63	11	M	W		<input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> D <input type="checkbox"/> W <input type="checkbox"/> SEP	
FATHER'S FULL NAME		MOTHER'S FULL MAIDEN NAME								
Nathaniel		Nathaniel								
NO. & STREET		PATIENT SOCL. SEC. OR. R. R. NO.		MA OR PA NO.		MEDICARE NO.		PART B		
3100 10th Ave										
CITY		BLUE CROSS NO. & SUFFIX		SUBSCRIBER OR CONTRACT HOLDER						
Brooklyn										
FLOOR		APT. NO.		ZIP CODE		RELATIONSHIP OF PATIENT TO SUBSCRIBER		OTHER INSURANCE CARRIER		
						<input type="checkbox"/> SELF <input type="checkbox"/> SPOUSE <input type="checkbox"/> SON <input type="checkbox"/> DAUGHTER				
RELATIONSHIP		PHONE NO.		OTHER INS. CARRIER NO.		NAME OF INSURED		WORKMEN'S COMP. LIABILITY		<input type="checkbox"/> YES <input type="checkbox"/> NO
								<input type="checkbox"/> YES <input type="checkbox"/> NO		
EMPLOYER OF PERSON TO BE BILLED		ADDRESS		PHONE NO.		PT. OCCUPATION				
PATIENT'S ADDRESS (IF DIFFERENT FROM BILLING ADDRESS)		PHONE NO.		CHARGE		REC. NO.		DATE PD.		

1st NOTICE

*State of New York
Court of Appeals*



*Stanley H. Tuld
Chief Judge*

December 23, 1968

Mr. and Mrs. Nathan Gold
3100 Ocean Parkway
Brooklyn, New York

Dear Mr. and Mrs. Gold:

Upon my return from a court session in Albany, I found your telegram dated December 12, 1968. I haste to reply to it.

The "original report of decision" which you request is a confidential report not available to the public. I have asked the Clerk of the Court to return to you the copy of the minutes which you submitted. The other court papers are on file in the office of the Supreme Court Clerk.

Your motion for leave to appeal was denied because the court believed that it was without merit. As I indicated to you when you were in my office, you are, of course, free to seek reargument of your motion if you feel that the court may have overlooked some element of your case. In view, though, of the full consideration given to the case on the original motion, I have considerable doubt as to the success of such an application.

Very truly yours,

Stanley H. Tuld

SHF:H

STATE OF NEW YORK, COUNTY OF

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within
found to be a true and complete copy.

Dated:

STATE OF NEW YORK, COUNTY OF

ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that deponent is
the attorney(s) of record for
in the within action; that deponent has read the foregoing
and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein
stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent
further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF

ss.:

INDIVIDUAL VERIFICATION

deponent is the
read the foregoing
the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and
belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF

ss.:

CORPORATE VERIFICATION

of
being duly sworn, deposes and says that deponent is the
the corporation
named in the within action; that deponent has read the foregoing
and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein
stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.
This verification is made by deponent because
is a corporation. Deponent is an officer thereof, to-wit, its
The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this day of 19 _____

STATE OF NEW YORK, COUNTY OF

KINGS

ss.:

AFFIDAVIT OF SERVICE BY MAIL

ISRAEL LEIBOWITZ RESIDING 1151 BRIGHTON BEACH AVE. BROOKLYN, N.Y.

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at

That on the *9th* day of *September* 19 *76* deponent served the within *Brief*
upon *the Secretary of Health* attorney(s) for
Education & Welfare, D.G. Traeger, US in this action, at *225 Cadman Plaza East* Defendant
attorney the address designated by said attorney(s) for that purpose
by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office — official
depository under the exclusive care and custody of the United States post office department within the State of New York.

Sworn to before me, this *9* day of *September* 19 *76* *Raymond Gray*
Israel Leibowitz
RAYMOND GRAY
Notary Public, State of New York
No. 22-409665
Qualified in Kings County
Commission Expires March 30, 19 *77*

STATE OF NEW YORK, COUNTY OF

ss.:

AFFIDAVIT OF PERSONAL SERVICE

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at

That on the day of 19 at No. _____
deponent served the within
upon
the herein, by delivering a true copy thereof to h personally. Deponent knew the
person so served to be the person mentioned and described in said papers as the therein.
Sworn to before me, this day of 19 _____